

PATENT
10/058,772

D. REMARKS

Specification

Applicants have amended the specification above to include the application serial numbers of the related cross-references.

Interview Summary

On November 23, 2004 at 3:00 PM EST, an interview was conducted via telephone between Amy Pattillo, Applicants' Representative, and Examiners Zhou and Cabeca. No exhibits were shown, nor demonstrations conducted.

First, Applicants' representative and the Examiners discussed claim 1, and in particular a clarification of the rejection of claim 9. Specifically, the prior art cited against claim 1 is Gelsinger et al (U.S. Patent 5,892,511) in view of Mugura et al. (U.S. Patent 6, 111, 614). Applicants representative requested clarification of whether the Examiner interpreted the teaching of Mugura et al. of minimizing the number of components that are displayed at a low transparency as teaching minimizing a window, as is known in the art, to a minimized graphical icon. The Examiner responded that the "minimizing of each of the plurality of window elements" reads on "minimizing the number of components that are displayed at a low transparency." However, the Examiner agreed that an amendment to clarify that minimizing means minimizing from a window to a graphical icon representative of the window would read outside of Mugura et al.

Second, Applicants' representative and the Examiners discussed claim 6, and in particular a clarification of the rejection of claim 6. Specifically, the prior art cited against claim 6 is Gelsinger et al. Applicants representative requested a clarification of whether "a minimized window being pointed to" as cited by the Examiner in the rejection teaches "detecting a resource usage associated with the window element" such a use of the processor. The Examiner responded that "resource usage" is a broad term and includes detecting the CPU use required to point to a minimized window.

AUS920010521US1

14

PATENT
10/058,772

No agreement was reached with respect to claims 6 or 9. Applicant is filing this response for further review by the Examiner.

35 USC § 102(b)

Claims 1-8, 10-17, and 19-26 stand rejected under 35 U.S.C. §102(b) as being anticipated by Gelsinger et al. (U.S. Patent 5,892,511) (hereinafter referred to as Gelsinger). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed Cir. 1987). Furthermore the reference must be an enabling disclosure of each and every element as set forth in the claim. *In re Hoecksmas*, 158 USPQ 596, 600 (CCPA 1968); *In re LeGrive*, 133 USPQ 365, 372 (CCPA 1962). Applicants request allowance of claims 1-8, 10-17, and 19-26 in view of the amendments and arguments hereafter.

Claims 1, 10 and 19

With respect to claims 1, 10, and 19, the Examiner cites Gelsinger as teaching the method, system and program of claims 1, 10, and 19, respectively. [Office Action, p. 2] In particular, amended claim 1 currently reads:

1.(Currently Amended) A method for automatic window representation adjustment, said method comprising the steps of:

detecting current activity of a window element within a graphical interface, independent of a specific selection of one from among minimizing said window element and maximizing said window element; and

automatically performing at least one of minimizing said window element and maximizing said window element to reflect said current activity, such that a

AUS920010521US1

15

PATENT
10/058,772

representation of said window element is graphically represented, wherein minimizing said window element comprises reducing said window element from a graphical window to a graphical icon representing said graphical window, wherein maximizing said window element comprises increasing said window element from a minimized graphical icon representing said window element to a full graphical window.

Regarding claim 1, the Examiner cites Gelsinger as teaching the element of “detecting current activity of a window element within a graphical interface” through the description of “checking whether a minimized window is being pointed to” at col. 9, lines 57-67. [Office Action, p. 2] Col. 9, lines 57-67 read: “Thus, by knowing the location of the minimized windows, the window selection agent may readily identify when a particular minimized window is being pointed to, and then expand that window. The selection agent then displays the window being pointed to in an expanded form, step 615. Additionally, in step 615, the remaining windows, but not the TaskBar, are made either translucent, or, alternatively are hidden. The selection agent then checks whether a new minimized window is being pointed to, step 620.” Thus, Applicants note that the Examiner equates “current activity” with pointing to a minimized window.

While Gelsinger teaches determining which minimized window is pointed to and automatically expanding that window, Gelsinger does not teach detecting other current activity, without a specific selection to minimize a window element, and minimizing or maximizing the window element responsive to that other current activity. In contrast, amended claim 1 teaches “detecting current activity of a window element within a graphical interface, wherein said current activity is independent of a specific selection of one from among minimizing said window element and maximizing said window element.” Thus, Applicants respectfully note that where claim 1 is amended to teach current activity that does not include a specific selection to minimize the window, Gelsinger does not teach all the elements of amended claim 1. In conclusion, Applicants respectfully request allowance of amended claim 1, which is no longer

AUS920010521US1

16

PATENT
10/058,772

anticipated by Gelsinger. In addition, Applicants respectfully request allowance of claims 10 and 19 for the same reasons, where claims 10 and 19 are rejected on the same grounds as claim 1 and are amended in a similar manner as claim 1.

In addition, Applicants note that claim 1 is also amended to include a clarification of “wherein minimizing said window element comprises reducing said window element from a graphical window to a graphical icon representing said graphical window, wherein maximizing said window element comprises increasing said window element from a minimized graphical icon representing said window element to a full graphical window.” The Examiner rejected claim 9 under 103(a) based on Gelsinger in view of Mugura. [Office Action, pp. 4-5] Claim 9 includes the element of “performing at least one of minimizing and maximizing each of said plurality of window elements in response to adjusting said alpha levels of each of said plurality of window elements.” The Examiner cites Mugura’s teaching of “minimizing the number of window elements of low transparency” as reading on “minimizing each of said plurality of window elements”. [Office Action, p. 5] Applicants note that during the interview, the Examiner agreed that a clarification that the minimizing step includes minimizing a window element from a graphical window to a graphical icon representing the window, would avoid Mugura’s teaching of minimizing the number of windows of a low transparency. Thus, Applicants traverse the rejection of claim 9, as it relates to claim 1, for the purpose of presenting claim 1 for allowance. In addition, claims 10 and 19 are amended for allowance in a similar manner as claim 1.

Claims 2-8, 11-17, and 20-26

Claims 2-8, 11-17, and 20-26 are dependent on independent claims 1, 10, and 19. Claims 1, 10, and 19 are amended for allowance. Thus, Applicants first note that claims 2-8, 11-17, and 20-26 are dependent upon an allowable independent claim and request allowance of these dependent claims. Second, Applicants note that even if claims 1, 10, and 19 are not allowable, claims 6,

AUS920010521US1

17

PATENT
10/058,772

Claims 6, 15, and 24

With respect to claims 6, 15, and 24, the Examiner cites Gelsinger as teaching the method, system and program of claims 6, 15, and 24, respectively. [Office Action, p. 3] In particular, amended claim 6 currently reads:

6. **(Currently Amended)** The method for automatic window representation adjustment according to claim 1, said step of detecting current activity further comprising the step of:

detecting a resource usage associated with said window element, wherein said resource usage associated with said window element comprises a usage of a system resource of a computer system, wherein said usage of said system resource is independent of usage of said system resource associated with a user interacting with said window element.

Regarding claim 6, the Examiner cites Gelsinger as teaching the element of “detecting a resource usage associated with said window element” based on a description of “detecting whether a minimized window is using resources such as the processor, by being pointed to” at col. 9 lines 57-67. [Office Action, p. 3] Applicants note that the Examiner equates one example of “resource usage” with the use of processor resources for detecting whether a minimized window is being pointed to. Thus, the Examiner equates “resource usage” with detecting that a user is interacting with a minimized window. Gelsinger, however, does not teach detecting resource usage associated with a window element where the usage of a system resource in association with the window element is independent of usage associated with a user interacting with the window element. In contrast, claim 6 is amended to include detecting a resource usage associated with the window element “wherein said resource usage associated with said window element comprises a usage of a system resource of a computer system, wherein said usage of said system resource is independent of usage of said system resource associated with a user interacting with said window element.” Thus, claim 6 teaches detecting resource usage

AUS920010521US1

18

PATENT
10/058,772

associated with a window element independent of any resource usage associated with the user interacting with the window element, such as the resource usage of a processor in detecting whether a cursor, through which a user interacts with window elements, is pointing at a minimized window element.

35 USC § 103(a)

Applicants note the responsibility under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made. Applicants note that all claims are commonly owned.

Claims 9, 18, and 27

Claims 9, 18, and 27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Gelsinger in view of Mugura et al. (US Patent Number 6,111,614) (hereafter referred to as Mugura). [Office Action, p. 4] The Examiner carries the burden of proving a prima facie case of obviousness for a 103(a) rejection. The Examiner does not carry the burden of proving a prima facie case of obviousness, however, for purposes of clarification, Applicants have amended claims 9, 18, and 27. Applicants respectfully request allowance of amended claims 9, 18, and 27.

Claim 9 currently reads:

9.(**Currently Amended**) The method for automatic window representation adjustment according to claim 7, said method further comprising the step of:

performing at least one of minimizing and maximizing each of said plurality of window elements in response to adjusting said alpha levels of each of said plurality of window elements, wherein minimizing each of said plurality of window elements comprises reducing a graphical window from among said plurality of window elements to a graphical icon representing said graphical

AUS920010521US1

19

PATENT
10/058,772

window, wherein maximizing each of said plurality of window elements comprises increasing a graphical icon representing a window element from among said plurality of window elements to a graphical window.

Regarding claim 9, the Examiner notes Mugura teaches "performing at least one of minimizing and maximizing each of said plurality of window elements in response to adjusting said alpha levels of each of said plurality of window elements" in Mugura's teaching of "minimizing displayed icons with a low level of transparency" at col. 17 lines 38-43 through col. 18 lines 1-3. [Office Action, p. 5]

The Examiner carries the burden of proving a prima facie case of obviousness for a 103(a) rejection. Applicants respectfully assert that the Examiner does not establish prima facie obviousness for claim 9 because Gelsinger in view of Mugura does not teach or suggest all the claimed limitations.

In establishing a prima facie case of obviousness under 103(a), the combined prior art references must teach or suggest all the claim limitations. *In re Vaeck*, 947 F.3d 488, 20 USPQ2d 1438 (Fed Cir. 1991). Col. 17 lines 38-43 through col. 18 lines 1-3 read:

"an electronic menu comprising a plurality of components identifying said different functions of the system, said plurality of components including a plurality of alphanumeric characters and icons displayed on a background, each of said components having a level of transparency such that a number of components having a low level of transparency is minimized, said electronic menu superimposed over the displayed broadcast."

Applicants respectfully note that Mugura teaches minimizing a "number of components having a low level of transparency", and not minimizing a component. In contrast, claim 9 teaches minimizing at least one of the displayable objects, which as is well known in the art means minimizing one graphical element into a smaller representative graphical element. Thus, Applicants respectfully assert that Gelsinger in view of Mugura does not teach each and every element of claim 9, and therefore prima facie obviousness is not proved.

AUS920010521US1

20

PATENT
10/058.772

However, while the Examiner carries the burden of proving prima facie obviousness. Applicants note that claim 9 is amended to clarify that the "minimizing" is from a window to a minimized graphical icon representing the window, further distinguishing that Mugura does not teach or suggest all the claim limitations of claim 9. Therefore, because claim 9 is not obvious under Gelsinger in view of Mugura and because claim 9 is amended to further clarify the nonobviousness, Applicants respectfully request allowance of claim 9.

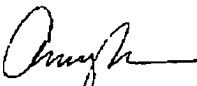
In addition, claims 18 and 27 are rejected under the same grounds as claim 9 and are amended for clarification in a similar manner as claim 9. Thus, Applicants respectfully request allowance of claims 18 and 27 for the same reasons as claim 9 should be allowed.

Conclusion

Applicants note the citation of pertinent prior art cited by the Examiner.

In view of the foregoing, withdrawal of the rejections and the allowance of the current pending claims is respectfully requested. If the Examiner feels that the pending claims could be allowed with minor changes, the Examiner is invited to telephone the undersigned to discuss an Examiner's Amendment. Further, Applicants reiterate the request for a telephone conference with the Examiner at the Examiner's earliest convenience.

Respectfully submitted,

 11/26/2004
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AUS920010521US1

21